

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
2006 FEB 22 P 3:55
CENTRAL DIVISION
DISTRICT OF UTAH

BY: DEPUTY CLERK

IRVING KARL BIGELOW,

Plaintiff,

vs.

VALLEY MENTAL HEALTH, et al.,

Defendants.

ORDER ADOPTING
REPORT & RECOMMENDATION

Case No. 2:05 CV 752 TC

Plaintiff Irving Karl Bigelow has filed a *pro se* civil rights action under 42 U.S.C. §1983. Plaintiff alleges that Defendant Valley Mental Health released his medical records in violation of federal law and because of the release of his medical records, he was (1) subjected to court action; and (2) funding for his college education was withdrawn.

On October 12, 2005, the case was referred to United States Magistrate Judge David O. Nuffer pursuant to 28 U.S.C. § 636(b)(1)(B). On February 1, 2006, Judge Nuffer issued a Report and Recommendation (the “R&R”) recommending dismissal of Mr. Bigelow’s complaint pursuant to Fed. R. Civ. P. 12 (b)(6) for failure to state a claim upon which relief may be granted. The parties were given ten days to file objections to the R&R and were cautioned that failure to file objections could constitute a waiver of those objections on subsequent appellate review. There were no objections to the R&R.

The court has conducted a *de novo* review of the issues and agrees with Judge Nuffer's recommendation. Accordingly, the Report and Recommendation is adopted as the order of this court. Plaintiff's complaint is dismissed for failure to state a claim upon which relief may be granted.

DATED this 22nd day of February, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Tenia Campbell".

TENA CAMPBELL
United States District Judge